

act of adultery without remaining any time with the adulterer. And he concluded by saying if the wife leaves her husband's house, no matter from what cause, and commits adultery the forfeiture attaches. And so in *Bos-
tock v. Smith*, 34 Beav. 57, a suit by a widow for dower, the complainant had left her husband's house and lived in adultery. The Master of the Rolls said, it appeared that she left her husband in consequence of his behaviour and gross misconduct, which was such as would justify, if anything could justify, her act. But nothing could justify it, and he held that the Statute and the above cited cases were conclusive and dismissed her bill with costs.

140 *In the case of *Stigall v. Stigall*, 2 Brock. 256, under the Virginia Statute which is similar in terms to this, a separation took place between the husband and wife in consequence of the wife's refusal to accompany her husband to his home. Her excuse was that her husband was supposed to be married to another woman, and her parents would not permit her to go with him. She contracted a second marriage after the separation, and lived some time with her second husband. Marshall C. J. thought that the provision relating to the wife's willingly leaving her husband, &c., was satisfied by any separation, voluntary on her part, and he thought any separation voluntary, which was not brought about by his act or by any restraint on her person. Here her husband wished her to accompany him and she refused; the separation therefore was voluntary; the report of his being married to another did not justify her, for it was not true. But if his situation was such as to justify a separation, it did not justify her subsequent conduct. He further said as to the words, go away and continue with her adulterer, that they would be satisfied by an open state of adultery, whether the woman resided in the same house with her adulterer, or in separate houses; in her own, or a friend's house, or in his; whether with or without a ceremony of marriage, which here was absolutely void.

In *Walters v. Jordan*, 13 Ired. L. 361, under the similar North Carolina Statute, the Court held that if the wife do not continuously remain with the adulterer, yet if she be with him and commit adultery, and if she once remain with him in adultery and he afterwards keep her against her will, or if he turn her away, in all these cases it is a continuing within the Statute. And that it was not necessary that there should be any adultery before she leaves her husband, nor an elopement with the man with whom she afterwards commits adultery; she is barred by adultery committed with any person after she has willingly left her husband. But the Court went on to hold that it must appear that the wife voluntarily left her husband, and as in this case she had been driven away by her husband's compulsion she was not within the Statute. And so in an Upper Canada case, where the husband had first deserted his wife and then she had lived in adultery, she was held not to be barred of her dower, *Graham v. Law*, 6 U. C. C. P. 310, and see *Bell v. Nailly*, 1 Bail. So. Car. 312.

The English cases, however, would be followed, it is presumed, in Maryland, and they are confirmed by the case of *Govier v. Hancock*, 6 T. R. 603, where it was held that if a husband commits adultery and then turns his wife out of doors and thereupon she commits adultery, his liability to pay for necessaries furnished to her ceases from the time of her adult-